MORGAN *v.* ADAMS.

ERROR TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

No. 50. Argued December 9, 10, 1908.—Decided January 11, 1909.

Although the estate may amount to more than $5,000, if the aggregate interest of plaintiffs in error is less than that amount, and the balance of the estate goes to defendants in error, the necessary amount in controversy does not exist to give this court jurisdiction of an appeal from a judgment of the Court of Appeals of the District of Columbia setting aside a will. *Overby* v. *Gordon*, 177 U. S. 214, distinguished.
Writ of error to review 29 App. D. C. 198, dismissed.

THE facts are stated in the opinion.

Mr. E. Hilton Jackson for plaintiffs in error.

Mr. J. J. Darlington and *Mr. S. Herbert Giesy* for defendants in error.